HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Appeal No. 758 of 2001
(Old No. 625/1991)

Ashvini Kumar
S/o Ram Prakash
R/o Kichcha, Nainital .....Appellant

Vs.

State of Uttaranchal .....Respondent

Sri J.C. Joshi learned counsel for the appellant.
Sri K.S. Bora learned counsel for the complainant.

Hon'ble Irshad Hussain,J.

This criminal appeal under section 374(2) of the Code of Criminal Procedure (for short 'Code') was filed against the judgment and order dated 27.3.1991 in S.T. No. 140/1988 convicting and sentencing the appellant to undergo RI for a period of one year & six months under sections 324 IPC.

The offence under section 324 of the I.P.C. is compoundable with the permission of the court. The permission having been accorded the compromise was sent for verification to the Magistrate concerned. The same has been remitted back after verification. The compromise is, therefore, accepted.

In view of the compromise, the appeal is allowed and the conviction and sentence awarded against the appellant per judgment and order dated 27.03.1991 is hereby set-aside. The appellant is acquitted of the charge under section 324 IPC. Therefore, he need not surrender. His bail bonds are cancelled and sureties discharged.

(Irshad Hussain,J.)

Dated 10.06.2004
Rawat